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September 30, 2025

VIA ELECTRONIC FILING

Honorable Peggy Kuo U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Trustees of the Plumbers Local Union No. 1 Welfare Fund,*
et al. v. Spray in Place Solutions, LLC, et al. 24 CV 2568 (KAM) (PK)
Status Report to the Court**

Dear Judge Kuo:

This firm represents Plaintiffs in the above-referenced matter. We write in accordance with the Court's Order dated August 8, 2025, directing the parties to file a joint status report by September 30, 2025, reporting on the progress of discovery.

Plaintiffs' Position:

Following the August 8, 2025 Pre-Motion conference held by the Court, the Plaintiffs were able to obtain all outstanding remittance reports and SIPS submitted to an audit by the Plaintiffs' auditors for the period of July 1, 2022 through December 31, 2022, as required by the March 25, 2025 stipulation the parties negotiated.

The only outstanding requirement under the stipulation is for the Defendants to pay any undisputed contributions determined to be due. The Funds' auditors issued their final audit on September 11, 2025 and sent notice to the Defendants' counsel on that day. To date, the Defendants have not made any contributions determined to be due.

Counsel for the Plaintiffs reached out to counsel for the Defendants on September 22, 2025 to demand payment of the audit findings by no later than September 29th. Counsel for the Defendants responded the same day requesting a meet and confer. On September 24, 2025 and September 29, 2025, counsel for the Plaintiffs proposed several dates and times for a meet and confer.

Defendants' Position:

Defendants dispute the findings on the grounds that, *inter alia*, the hours asserted by the auditor for which contributions are sought do not represent "covered work" as defined in the

collective bargaining agreement between the parties, both based on the nature of the work performed, and the geographic area in which the work was performed. The parties will need to set a discovery schedule to delve into these issues and Defendants will schedule a meet-and-confer with Plaintiffs no later than next week in order to provide a proposed case management plan.

Respectfully submitted,

/s/ Diana R. Cohn
Diana R. Cohn
Counsel for the Plaintiffs

/s/ Emanuel Kataev
Emanuel Kataev, Esq.
Counsel for the Defendants